



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: MALOMED=1A

In re Application of: ) Art Unit: 2874  
GUTIN, Michael et al. ) Confirmation No. 6838  
Appln. No.: 09/927,349 ) Washington, D.C.  
Filed: August 13, 2001 ) February 19, 2004  
For: METHOD AND DEVICE FOR ... )

**INFORMATION DISCLOSURE STATEMENT [IDS]**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir :

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

[ ] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

[ ] B. before the mailing date of a first Office action on the merits or before the mailing of a first Office

action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

[x] C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification.

[x] i. Counsel certifies that, upon information and belief, each item of information listed herein was either

[x] (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

[ ] (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., Form PTO/SB/08A) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached.

3. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

4. Other information being provided for the examiner's consideration follows:

(a) Office Action from Canadian Patent Office for corresponding Canadian application, dated January 21, 2004

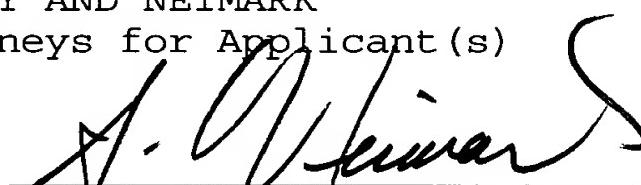
(b) Cited U.S. patents 6,178,035 and 6,047,011 were previously submitted in an Information Disclosure Statement dated March 19, 2003. (documents AK and AL respectively).

5. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant(s) reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

BROWDY AND NEIMARK  
Attorneys for Applicant(s)

By:



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Sheridan Neimark  
Reg. No. 20,520

SN:mch  
624 Ninth Street, N.W., Suite 300  
Washington, D.C. 20001-5303  
Telephone: (202) 628-5197  
Facsimile: (202) 737-3528  
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PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449A/PTO

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(use as many sheets as necessary)*

Sheet 1 of 1

Complete if Known	
Application Number	09/927,349
Filing Date	August 13, 2001
First Named Inventor	Michael GUTIN
Group Art Unit	2872
Examiner Name	CHERRY
Attorney Docket Number	MALOMED=1A

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner Signature		Date Considered	
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.